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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO.       |
|--|-------------|----------------------|-------------------------|------------------------|
| 10/085,340   | 02/27/2002  | Simon Mellor         | PWV1.PAU.165            | 8537                   |
| 23386 7590 06/05/2007<br>MYERS DAWES ANDRAS & SHERMAN, LLP<br>19900 MACARTHUR BLVD.,<br>SUITE 1150<br>IRVINE, CA 92612 |             |                      | EXAMINER<br>YUN, EUGENE |                        |
|  |             |                      | ART UNIT<br>2618        | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>06/05/2007 | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/085,340

Applicant(s)

MELLOR ET AL.

Examiner

Eugene Yun

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4,8-10,15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,8-10,15 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/8/2007 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 8-10, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ketonen (US 6,594,508) in view of Basile (US 6,298,243).

Referring to Claim 1, Ketonen teaches a method of transmitting a communication signal between a radio base station and a radiation element (see col. 2, lines 37-39), the method comprising:

Receiving data signals from a radiation element and producing an input signal (see col. 3, lines 7-9), wherein the data signals include values representing operating parameters of devices at the multiple radiation element (see col. 3, lines 26-37);

Receiving the input signal (see col. 3, lines 7-9);

extracting the data signals from the input signal (see col. 3, lines 50-55); and producing a status signal for each device based upon the values representing operating parameters that simulates a feedback signal for the device (see col. 6, lines 57-65).

Ketonen does not teach multiple radiation elements, generating a single modulated signal that combines data signals, and receiving an input signal including the single modulated signal from the multiple radiation elements over a common feeder cable. Basile teaches multiple radiation elements, generating a single modulated signal that combines data signals (see col. 4, lines 19-21 which notes the combining of the GPS and the cellular signals for transmission over a single cable), and receiving an input signal including the single modulated signal from the multiple radiation elements over a common feeder cable, wherein the data signals include values representing operating parameters of devices at the multiple radiation elements (see ABSTRACT and col. 4, lines 11-17), and receiving the input signal from the multiple radiation elements over the common feeder cable (see ABSTRACT and col. 3, lines 51-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Basile to said device of Ketonen in order to cut costs by using less and less expensive feeder lines.

Claim 15 has similar limitations as claim 1.

Referring to Claim 2, Ketonen also teaches the input signal comprising a plurality of communication signals (see col. 3, lines 7-9).

Referring to Claim 3, Ketonen also teaches the devices including system cables 206 (fig. 2).

Referring to Claim 4, Ketonen also teaches a mast head amplifier (see col. 5, line 44).

Referring to Claim 8, Ketonen teaches a method of transmitting a communication signal between a radio base station and a radiation element, the method comprising:

Receiving data signals that include control signals representing operating parameter settings for devices at a radiation element (see col. 3, lines 26-37) and producing an input signal to be transmitted over a feeder cable (see col. 3, lines 7-9);

receiving the input signal (see col. 2, lines 7-9);

extracting the data signals from the input signal (see col. 3, lines 50-55); and

producing an output signal for each device that transfers the control signals representing operating parameter settings to the device (see col. 9, lines 66-67 and col. 10, lines 1-8).

Ketonen does not teach multiple radiation elements. Basile teaches multiple radiation elements, generating a single modulated signal that combines data signals (see col. 4, lines 19-21 which notes the combining of the GPS and the cellular signals for transmission over a single cable), receiving data signals that include control signals representing operating parameter settings for devices at multiple radiation elements and producing an input signal including the single modulated signal to be transmitted over a common feeder cable (see ABSTRACT and col. 4, lines 11-17), and receiving the input signal over the common feeder cable (see ABSTRACT and col. 3, lines 51-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Basile to said device of Ketonen in order to cut costs by using less and less expensive feeder lines.

Claim 17 has similar limitations to claim 8.

Referring to Claim 9, Ketonen also teaches the input signal comprising a plurality of communication signals (see col. 3, lines 7-9).

Referring to Claim 10, Ketonen also teaches a mast head amplifier (see col. 5, line 44).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-4, 8-10, 15, and 17 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's arguments filed 1/8/2007 have been fully considered but they are not persuasive.


Regarding the newly added limitations to the independent claims, the examiner would like to point out that the Basile reference does in fact teach a single modulated signal produced from multiple radiation elements which is transmitted over a common feeder cable. Referring to col. 4, lines 19-21, this passage clearly notes that the GPS and cellular signals are combined before transmission over a common coaxial cable.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (571) 272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571)272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Eugene Yun  
Examiner  
Art Unit 2618

EY

  
MATTHEW ANDERSON  
SUPERVISORY PATENT EXAMINER